

01-28-a

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

01/25/02



Docket No. A-65353-9/RFT/RMS/RMK

Anticipated Classification of this Application:

Class: Subclass:

Prior Application 09/714,357
Examiner: not assigned
Art Unit: not assigned

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- Original
[X] Continuation
Divisional
Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Stephen L. Mayo; Bassil I. Dahiyat; D. Benjamin Gordon; Arthur Street
(Names of ALL Applicants)

for APPARATUS AND METHOD FOR AUTOMATED PROTEIN DESIGN
(Title of Invention)

This [X] continuation [] divisional [] continuation-in-part

Claims priority to pending application Serial Nos. 09/714,357, filed on November 15, 2000; 09/058,459, filed on April 10, 1998; 60/061,097, filed on October 3, 1997; 60/043,464, filed on April 11, 1997; and 60/054,678, filed on August 4, 1997.

- (a) [] Enclosed is a new application.
(b) [] Enclosed is a continuation-in-part application.
(c) [X] Enclosed is a copy of the prior application.
2. (a) [] Enclosed is a new Declaration.
(b) [X] Enclosed is a copy of the prior Declaration as originally filed.
3. (a) [] Enclosed is a Small Entity Affidavit.
(b) [X] A Small Entity Affidavit is of record in the prior application.
4. [X] The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

Table with 5 columns: (Col. 1) NO. FILED, (Col. 2) NO. EXTRA, SMALL ENTITY RATE, FEE, OTHER THAN SMALL ENTITY RATE, FEE. Rows include BASIC FEE, TOTAL CLAIMS, INDEP CLAIMS, MULTIPLE DEPENDENT CLAIM PRESENTED, and TOTAL fees.

Vertical stamp: 01/25/02, 10/057552, U.S. PRO

Handwritten signature and initials: #2/2002 - Cont. A

5. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-65353-9/RFT/RMS/RMK).

6. ☒ Our check in the amount of \$ 454.00 is enclosed.
☐ The filing fee is **NOT** being submitted with this transmittal letter.

7. ☒ Cancel in this application original claims 2-27 of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. ☐ Amend the specification by inserting before the first line the sentence:

--This is a ☒ continuation ☐ divisional ☐ continuation-in-part

of application Serial Nos. 09/714,357, filed on November 15, 2000; 09/058,459, filed on April 10, 1998; 60/061,097, filed on October 3, 1997; 60/043,464, filed on April 11, 1997; and 60/054,678, filed on August 4, 1997.--

9. (a) ☐ Informal drawings are enclosed.
(b) ☒ Formal drawings are enclosed (10 sheets).

10. (a) ☒ Priority of United States application Serial Nos. 09/714,357, filed on November 15, 2000; 09/058,459, filed on April 10, 1998; 60/061,097, filed on October 3, 1997; 60/043,464, filed on April 11, 1997; and 60/054,678, filed on August 4, 1997 is claimed under 35 U.S.C. 119/120.
(b) ☐ The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. ☒ The prior application is assigned of record to The California Institute of Technology

12. ☒ The power of attorney in the prior application is to:

Name: Robin M. Silva, Esq.
Address: FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Four Embarcadero, Suite 2400
San Francisco, CA 94111

(a) ☒ The power appears in the original papers in the prior application.
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c) ☐ A new power has been executed and is enclosed.
(d) ☒ Address all future communications to:

ROBIN M. SILVA, ESQ.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

13. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/714,357 as originally filed on November 15, 2000.

Date: 1/25/02

Signature: Renee M. Kossak

Renee M. Kossak, Reg. No. 47,717
Robin M. Silva, Reg. No. 38,304

Address of Signer:
FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
4 Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

☒ Attorney or agent of record

☐ Filed under Section 1.34(a)